



Tirana, dated 10 June 2020

STOP SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS!

**The Monitoring Network against Gender-Based Violence
publicly calls for institutions to engage in serious reflection
and adopt immediate measures**

To:

Mr. Gramoz Ruçi, Speaker, Albanian Parliament

Mrs. Naureda Llagami, Chair, High Judicial Council

Mr. Gentian Ibrahim, Chair, High Prosecutorial Council

Mr. Sandër Lleshaj, Minister, Ministry of Internal Affairs

Mrs. Besa Shahini, Minister, Ministry of Education, Sports and Youth

Mrs. Ogerta Manastirliu, Minister, Ministry of Health and Social Protection

Mrs. Etilda Gjonaj, Minister, Ministry of Justice

Mr. Ardi Veliu, Director, General State Police Directorate

Mr. Besnik Dervishi, Commissioner for the Right to Information and Protection of
Personal Data

Mrs. Alma Tandili, Chair, State Agency for the Protection of Children's Rights

Mr. Gentian Sala, Chair, Audiovisual Media Authority (AMA)

Mrs. Valbona Treska, President, Order of Psychologist

The Monitoring Network against Gender-Based Violence, a platform of 48 Civil Society Organizations (CSOs),¹ is deeply distressed by the latest cases of sexual abuse of minor girls, which shocked the public opinion when reported in the media. Although each case is specific, the Network notes the following:

1. These cases could have been prevented. However, state sexual violence referral units have been anything but responsible and serious when handling any reports made or indication received through various channels. They have not been proactive in detecting and identifying these cases. Citizens remained silent and unresponsive. The best interest of the child and minor issues were far from given the family's utmost attention.
2. The "school-as-community-center" model is not working, and no community-involvement-in-school instances have been identified thus far. Schools are too closed off to information on gender-based issues, including domestic violence, legal remedies, as well as current prevention, protection, and violence case referral mechanisms. The curriculum shaping future psychologists, school social workers or clinical psychologists is flawed when it comes to tackling sexual violence. Continuing training on addressing overall violence and violence against children are crucial for school psychologists. The Network notes that continuing training for teachers, discussions with parents or legal caregivers about the topic, and school-based sexual education should be ongoing. Parent and student councils are often ineffective and non-transparent. Schools are emerging as unsafe spaces for children. Placing security guards in the physical building did not contribute to enhanced school safety, because the community and the school are often regarded as separate entities.
3. The number of school psychologists and social workers and the quality of psychosocial support fail to satisfy student needs and enable timely detection and reporting of sexual violence cases, especially involving girls.
4. State police bodies take action only if a complaint is filed and they refrain from engaging in proactive initiatives to prevent and detect sexual violence against children early on. Moreover, the case of the sexually abused girl in the Shkodra Infants' Home highlighted the plight of re-victimization, as police officers abuse those they ought to protect.
5. It's high time that monitoring mechanisms are reviewed, and measures adopted in order for each referred case to be dutifully followed up. Unsafe cases should be monitored at a close distance or through body cameras with 24-hour audio recording and incorporated motion detector (applied as a court measure laid down in the Restraining Order, even after the restraining order becomes ineffective, upon the abuser giving his consent at free will).

¹ <https://rrjetikunderdhunesgjinore-monitorime.al/onetare-te-rrjetit-rw-ojf-ve-per-monitorimin-e-zbatimit-te-standarteve-kunder-dhbgj-dhe-dhf/>

6. The network notes that clear policies on the police officers' obligation to refrain from sexual harassment when interacting with third parties are missing. The implementation of standard operation procedures, regulations and code of ethics needs to be further strengthened. A handful of police officers breaching the above instruments have been held accountable, but still such cases are never discussed to prevent repetition. There are no cameras with video and audio recorder installed in the local police stations and records documenting the interview in the police station premises (interview room) where violated women and girls are interviewed are missing. This situation allows no room to monitor police officers' attitudes towards reported gender-based violence cases.
7. Albania has in place the necessary legal framework to punish sexual violence against minor and adult victims, but there are setbacks when it comes to its implementation. We also note that authorities are not serious enough about handling and addressing sexual violence cases, which negatively impacts citizens' trust and willingness to report. Our criminal legislation is not fully aligned with the standards under the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and GREVIO recommendations. Hence, the criminal offence of non-consensual sex with adult and minor females aged 14-18 years old demands the victim to physically resist the abuser and violations of minor victims are frequently associated with reaching sexual maturity.
8. There is no National Plan against Sexual Violence identifying the main scope of the work, responsible actors, budgets, etc.
9. The municipality Coordinated Referral Mechanisms (CRM) responsible for addressing violence cases are unprepared to handle cases of sexual violence against women and girls. Regional Education Directorates' representatives are not frequent and active participants to CRM meetings and moreover are not held liable for their lack of participation. They are rather unclear about their role as CRM members. Cooperation with CRM members has not been effective with regards to multidisciplinary handling of sexual violence cases.
10. The media has been instrumental in detecting abuse and raising society's awareness on the deeply disturbing phenomenon of sexual abuse and violence against women and girls. However, several media outlets repeatedly reveal personal data about minor and adult victims of sexual violence, which leads to identification and eventual re-victimization of survivors.

The Network notes that the distressing phenomenon of sexual violence against women and girls demands that institutions engage in serious reflection, manifested through a short-term, medium-term, and long-term action plan.

With regards to the short-term plan, the Monitoring Network against Gender-Based Violence recommends that:

I. The Ministry of Education, Sports and Youth

- a. Establish a multidisciplinary Task Force (including teachers, psychologists, social workers, Ministry of Health and Social Protection representatives, civil society organizations) to monitor lower and upper secondary schools at the national level, starting from the first semester of the upcoming school year. The monitoring should target the identification of issues on the spread of sexual violence against girls, how in-school bodies operate, procedures adopted for the school security staff recruitment, etc.
- b. Empower the school-as-community-center model through budgeting and granting access to certified civil society organizations or professionals to address issues related to sexual violence, legal remedies and mechanisms they may address, parenting methods and where can they seek help if they need to, etc.
- c. Cooperate with civil society organizations and support a national survey for lower and upper secondary schools on the extent to which students are familiar with sexual violence and what are the actual or potential threats such violence poses for them.
- d. Strengthen a school-based inclusive sexual education to better prevent and respond to gender-based and sexual violence.
- e. Enhance school-based psychosocial service by increasing the number of psychologists and social workers, as well as upgrading psychosocial services. It is of paramount importance to develop a strategy for monitoring school psychologists.
- f. Include school social workers and review the profile of workers providing school psychosocial services to verify whether they have appropriate professional and ethical training.
- g. Enable civil society organizations, which provide psychosocial services, to collaborate with schools. School psychosocial services should refer sexual violence cases to other public agencies or civil society organizations.
- h. Strengthen the role and transparency of Parent and Student Councils in order to prevent and guarantee protection from violence in general and sexual violence in particular.
- i. Approve the “Safe Schools to Learn” action plan, jointly developed by the Albanian Coalition for Child Education members and partners, already submitted to the MoESY.
- j. Design a poster with key slogans and phone numbers for student reporting and make sure the school principal’s office displays the poster throughout the school year.

- k. Install security cameras especially in rural and interurban upper secondary schools, given that girls are far more vulnerable in these areas.

II. The General State Police Directorate and/or the Ministry of Interior:

- a. Develop a thematic monitoring plan in cooperation with the Internal Affairs and Complaints Service, which may extend over all local state police bodies investigating reports made on sexual violence against women and girls and their handling over the last five years.
- b. Assess school security officers' work and have them trained immediately on sexual violence and its identification. Establish an accountability mechanism for them and responsible institutions.
- c. Increase the number of training sessions for police officers covering sexual crimes/trafficking/domestic violence on how they should behave and handle sexual violence cases against women and girls, and how to prevent trained employees' transfer to other State Police bodies. Training should be sexual violence victim-centered; involve as many state police employees as possible; be specific; concrete, and include important topics such as: stereotypes, culture, gender and sex, legal/sub-legal framework, sexual violence victim's interview based on best international practices, sexual violence case needs/services, case referral to CSOs to ensure their support and reintegration. The General State Police Directorate should monitor the continuing training of employees through compulsory annual standardized training programs.
- d. Monitor on a regular basis the implementation of Standard Work Procedures employed with regards to sexual violence victims' treatment and investigation of sexual crimes by police officers covering such crimes.
- e. Strengthen the cooperation between police officers and CRMs in order to comply with the obligation of violence cases identification and referral, and in order for these bodies to provide specialized services for cases of gender-based violence, including sexual and domestic violence.
- f. Strengthen the sexual violence victims' identification and referral to civil society organizations to ensure their rehabilitation and reintegration.
- g. Restructure LPS tasks focusing only on issues related to community safety, analyze how and to what extent the workload impacts effective domestic violence prevention and handling, and adopt necessary measures.
- h. Adopt measures for victims of any form of violence to be supported by a psychologist/social worker when reporting violence to the police. There is no need for the psychologist/social worker to be included in the organizational chart, but rather he/she may be called whenever necessary.
- i. Establish an effective mechanism at Regional State Police Directorates to guarantee that privacy and anonymity of sexual violence victims reporting

the abuse are preserved and maintained, as well as avoid their unnecessary exposure.

- j. Enable CSO monitoring of sexual abuse cases reported to the Regional State Police Directorates.

III. The Assembly of Albania:

- a. Oversee the implementation of relevant legislation protecting women and girls from sexual violence.
- b. To this end, we recommend that the Assembly have its parliamentary bodies conduct hearings with the high executive, judiciary, prosecutor's office, state police, CSOs representatives and field professionals. Once this process and the analysis informed by statistical data are completed, it should address the most important issues and recommendations instrumental to properly prevent and address this phenomenon.

IV. The Ministry of Health and Social Protection:

- a. Develop and approve the National Plan Against Sexual Violence.
- b. Develop a report on measures adopted to handle sexual violence and domestic violence cases made public.
- c. Conduct information campaigns (especially in schools) on LILIUM - Crisis Management Center.
- d. Conduct continuing training (in cooperation with civil society organizations) targeting domestic violence Coordinated and Referral Mechanisms members, especially to address sexual violence and have a monitoring plan on case management in place.

V. The Ministry of Justice:

- a. Take immediate measures to review the legislation on sexual violence against adult and minor victims.
- b. Coordinate its work with central and local institutions, including CSOs, in order to implement the Strategy on Public's Legal Education and its relevant Action Plan.
- c. Advance the measures for establishing primary legal aid centers, pursuant to law no. 111/2017, "On State-Provided Legal Aid", in order to enhance sexual violence victims' access to free legal aid.

VI. Criminal justice bodies (Prosecutor's Office and courts):

- a. Pay due attention to any criminal case related to sexual violence, in the framework of accomplishing their mission.

- b. We recommend that the prosecutor's office conduct thorough investigation of cases and initiate ex-officio investigations for any case disclosed in public. We recommend the court to impartially and professionally review any sexual violence allegation against one or more individuals, thus holding the perpetrators accountable.

VII. The Audiovisual Media Authority (AMA) and Electronic and Postal Communications Authority (AKEP):

- a. Diligently exercise their competences provided for in the legislation in force towards those media outlets that do not comply with data confidentiality of survivors of sexual violence, both adult and minors. Clear guidelines on case reporting to the media should be included in continuous media training.
- b. Take immediate measures against media outlets that have disclosed personal data and continue to breach the Code of Ethic and the law, not only by fining them, but also forcing their shut down.

VIII. Municipalities:

- a. Establish and operationalize domestic violence Coordinated Referral Mechanisms, along with child protection mechanisms in all municipalities in the country.
- b. Strengthen Coordinated Referral Mechanisms in order to prevent cases of sexual violence and handle identified cases.
- c. Budget social services for sexual violence survivors.
- d. Empower social workers in local government units in scheduling information and awareness-raising meetings with the community about sexual violence.
- e. Strengthen child protection units and establish cooperation with schools in order to discuss sexual violence against minors, case reporting and case management issues.
- f. Establish needs assessment and case referral units at administrative units, as prescribed by legal obligations.

IX. State Agency for the Protection of Children's Rights

- a. Proactively engages in resolving problematic occurrences in orphans' asylum homes, focusing specifically on sexual violence.
- b. Cooperate with civil society organizations on referring and providing assistance to minors, victims of sexual violence, so that their rehabilitation and reintegration be enabled.

X. Order of Psychologist

The Order of Psychologist should conduct periodic assessments of school psychologists, specifically how they exercise their competences and handle violence cases involving minors.

XI. Civil society organizations will continue efforts to:

- a. Raise citizen and public awareness to not remain silent, but to rather report sexual violence even when the individual has not been victimized, thus aiming at providing more information on the severe damages this phenomenon inflicts upon women and girls' physical and mental health, their rights and mechanisms and legal pathways to report violence.
- b. React proactively and monitor the implementation of the legislation on sexual violence protection, thus monitoring infants' homes, local police bodies and justice bodies.
- c. Provide training and capacity building for employees involved in key sexual violence prevention, handling and referral sectors such as education, police, municipality, justice employees etc.
- d. Provide direct services for sexual violence victims' protection and rehabilitation, such as psychosocial and legal services, including other services as indicated by specific needs. Enhance access of sexual violence survivors, especially from marginalized groups, women and girls with disabilities, Roma women and girls, and LGBTI community to infrastructure, information and system, which will also consist of NGOs scope of work so that access is enhanced, and rights are guaranteed.
- e. Review the legislation on protection from sexual violence and the Criminal Code in order to identify and address gaps (with reference to Lanzarote Convention, Istanbul Convention, GREVIO Report on Albania, and best international standards and practices) and lobby with the Parliament for its improvement.
- f. Strengthen cooperation bridges with the Ombudsperson, Commissioner for Protection from Discrimination, Commissioner for the Right to Information and Protection of Personal Data and the media, in order to effectively prevent and combat the sexual violence phenomenon and protect sexual violence victims' personal data from the media and all actors.
- g. Lobby and advocate with the Ministry of Health and Social Protection, line ministries and local self-governance units to establish and budget services aiding children and women victims of sexual violence.
- h. Monitor quarterly the implementation of above-mentioned recommendations, thus requesting information pursuant to the law.

- i. Lobby and monitor authorities responsible for the implementation of short-term recommendations mentioned above, including medium-term and long-term recommendations the Network will be sharing with you.